

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BENJAMIN-JAMES MACHUL,	:	
Plaintiff,	:	
v.	:	Case No. 3:19-mc-011
STATE OF FLORIDA, <i>et al.</i> ,	:	JUDGE WALTER H. RICE
Defendants.	:	

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #10); OVERRULING PLAINTIFF'S OBJECTIONS THERETO (DOCS. ##11, 13); DISMISSING WITHOUT PREJUDICE FOR LACK OF JURISDICTION THE PETITION TO ENFORCE ARBITRATION AWARD (DOC. #1); OVERRULING WITHOUT PREJUDICE MOTION TO CONFIRM ARBITRATION AWARD (DOC. #4); JUDGMENT TO ENTER IN FAVOR OF DEFENDANTS AND AGAINST PLAINTIFF; TERMINATION ENTRY

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Sharon L. Ovington in her Report and Recommendations, Doc. #10, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety and OVERRULES Plaintiff's Objections thereto, Docs. ##11, 13.

To the extent that Plaintiff challenges Magistrate Judge Ovington's authority to issue the Report and Recommendations, the Court notes that General Order No. Day 12-01 refers all *pro se* cases to the magistrate judge for all pretrial purposes.

For the reasons explained by Magistrate Judge Ovington, this Court lacks jurisdiction over Plaintiff's claims. Accordingly, the Court DISMISSES the Petition to Enforce Arbitration Award, Doc. #1, and OVERRULES Plaintiff's Motion to Confirm Arbitration Award, Doc. #4, both WITHOUT PREJUDICE to refiling in a court of competent jurisdiction.¹

Judgment shall be entered in favor of Defendants and against Plaintiff.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: May 11, 2020

/s/ Walter H. Rice (tp - per Judge Rice authorization after his review)
WALTER H. RICE
UNITED STATES DISTRICT JUDGE

¹ Several months after this miscellaneous case was filed, Plaintiff filed a very similar civil Complaint, captioned *Machul v. State of Florida*, Case No. 3:20-cv-78. The claims raised in that civil case arose out of the same set of facts and sought to enforce the same arbitration award at issue in this miscellaneous case. On April 22, 2020, Plaintiff voluntarily withdrew his Complaint in Case No. 3:20-cv-78 without prejudice, after Magistrate Judge Newman concluded that this Court lacked subject matter jurisdiction. That case was terminated on April 27, 2020.